

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

VINCENT EDWARD BRIDGES,

Defendant-Appellant.

UNPUBLISHED

June 15, 2004

No. 246785

Calhoun Circuit Court

LC No. 02-000188-FH

Before: Sawyer, P.J., and Gage and Owens, JJ.

MEMORANDUM.

Defendant pleaded guilty to charges in two cases of desertion and abandonment for failing to pay child support, MCL 170.161. Following the trial court's denial of defendant's motion to withdraw the plea, defendant was sentenced as a fourth habitual offender to concurrent terms of 46 months to 15 years in prison. Defendant appeals as of right from the judgment entered in only this case, which pertains to the failure to pay support from September 30, 1991 to November 2, 1999. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that the trial court abused its discretion in denying his motion to withdraw the plea. Under the plea agreement, the plea was taken under advisement and the charges were to be dismissed if defendant paid the outstanding arrearages within one year. However, approximately four months after he entered the plea, defendant was incarcerated due to an assault charge. Defendant argues that this left him in the position of being required but unable to pay, and that this was contrary to the interests of justice. MCR 6.310(B) provides that the trial court may permit withdrawal of a plea before sentencing "in the interest of justice" if the prosecutor would not be substantially prejudiced. The trial court concluded that it would not be in the interest of justice to allow withdrawal of the plea where the plea itself made no provision for any exception to its terms and the defendant's circumstance was the product of his own making. We find no abuse of discretion in this determination. See *People v Harris*, 224 Mich App 130, 131; 568 NW2d 149 (1997).

Affirmed.

/s/ David H. Sawyer

/s/ Hilda R. Gage

/s/ Donald S. Owens